

Translation

PATENT COOPERATION TREATY

PCT/EP2003/051047



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2201PCT/PV	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/051047	International filing date (<i>day/month/year</i>) 18 décembre 2003 (18.12.2003)	Priority date (<i>day/month/year</i>) 08 janvier 2003 (08.01.2003)
International Patent Classification (IPC) or national classification and IPC G04B 37/00		
Applicant ASULAB S.A.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>6</u> sheets, including this cover sheet. <input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of <u>1</u> sheets.
3. This report contains indications relating to the following items: I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 13 juillet 2004 (13.07.2004)	Date of completion of this report 29 April 2005 (29.04.2005)
Name and mailing address of the IPEA/EP Facsimile No.	Authorized officer Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/051047

I. Basis of the report

1. This report has been drawn on the basis of *(Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.)*:

- ☐ the international application as originally filed.
- ☒ the description, pages 1-7, as originally filed,
 pages _____, filed with the demand,
 pages _____, filed with the letter of _____,
 pages _____, filed with the letter of _____.
- ☒ the claims, Nos. _____, as originally filed,
 Nos. _____, as amended under Article 19,
 Nos. 2-16, filed with the demand,
 Nos. 1, filed with the letter of 05 April 2005 (05.04.2005),
 Nos. _____, filed with the letter of _____.
- ☒ the drawings, sheets/fig 1/3-3/3, as originally filed,
 sheets/fig _____, filed with the demand,
 sheets/fig _____, filed with the letter of _____,
 sheets/fig _____, filed with the letter of _____.

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/EP 03/51047

I. Basis of the report

1. This report has been drawn on the basis of *(Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.)*:

The amendments to claim 1 cannot be accepted (PCT Rule 70.2(c)), for the following reasons:

Originally, the transducer and the cavity were described as being arranged side by side in relation to a section, but no section is mentioned in the amended claim, meaning that any side-by-side arrangement in which the above-mentioned components are arranged side by side in relation to the bottom wall (**of the casing**) is covered by the scope of the claim, which therefore does not cover only those arrangements in which at least one transducer portion having a predetermined thickness and a portion of said cavity are provided in the same section of said casing.

Therefore, the subject matter of claim 1 is considered to go beyond the disclosure of the invention as filed, since the scope of the amended claim is broader than that of the claim originally filed.

The examination has accordingly been based on claim 1 as originally filed.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP 03/51047

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	2-7, 9-12, 14-16	YES
	Claims	1, 8, 13	NO
Inventive step (IS)	Claims		YES
	Claims	1-16	NO
Industrial applicability (IA)	Claims	1-16	YES
	Claims		NO

2. Citations and explanations

1. Reference is made to the following documents:

D1: CH 691 334 ASULAB S.A.

D2: EP 1 130 944 ASULAB S.A.

2. The present application fails to comply with the requirements of PCT Article 33(1) since the subject matter of claims 1 and 17 does not meet the requirement of novelty defined in PCT Article 33(2).

2.1 Claim 1:

Document D1 describes (the reference signs between parentheses apply to this document):

A sealed portable apparatus (title) comprising a casing (2) with an electroacoustic transducer (11) mounted therein and separated from an inlet cavity (14, 15) provided in said casing in direct communication with the outside (figure 1, column 2, lines 62-65), wherein said electroacoustic transducer and said cavity are arranged side by side in such a way that at least one transducer portion having a predetermined thickness and a portion of said cavity are provided in the same section (figure 1) of said

casing, and in that a sound channel (13) extends between said transducer and the flexible diaphragm in order to transmit sound vibration.

- 2.2 Dependent claims 2 to 16 do not contain any features which, when combined with the features of any one of the claims to which they refer, might define subject matter that complies with the requirements of novelty and/or inventive step of the PCT (see documents D1 and D2 and the corresponding passages cited in the search report).

In particular, it should be noted that:

Claims 2, 3, 4, 7, 9, 10, 12 and 15 describe selections that would be obvious to a person skilled in the art.

The technical features in claims 5 and 6 are well known in the field of alarm watches.

The subject matter of claim 8 is known from document D1 (abstract; supporting member 12a is part of the bottom wall of the casing).

Claim 11 describes features that are well known in the fields of watch-making and pressure transducers. The features described in claim 13 are known from document D1.

The telephone watch as per claim 14 is known from document D2, as are the two openings (8) according to claim 16.

3. Furthermore, the application fails to comply with the requirements of PCT Article 6 since the subject matter of claim 1 is unclear.

- 3.1 The wording "... said electroacoustic transducer and

said cavity are arranged side by side in such a way that at least one transducer portion having a predetermined thickness and a portion of said cavity are provided in the same section ...", as used in claim 1, is vague and equivocal and thus casts doubt on the meaning of the technical features to which it refers. The result is a lack of clarity (PCT Article 6) when the claims are interpreted in the light of the description.

- 3.2 In the light of the figure of document D1, a section as per claim 1 can be drawn through the entire thickness of the transducer and the cavity because the section has not been precisely defined. It would be preferable to specify that the section is parallel to the bottom wall of the casing.